

# **EXHIBIT F**

1 | P a g e

2           UNITED STATES DISTRICT COURT  
3           SOUTHERN DISTRICT OF NEW YORK  
-----X

4 YOEL WEISSHAUS

5 Plaintiff, Case No.  
6 -against- 11-cv-6616-RKE

7 THE PORT AUTHORITY OF NEW YORK  
AND NEW JERSEY.

Defendant.

10 -----x  
July 7, 2022  
9:45 a.m.

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PIROZZI & HILLMAN  
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PA LAW DEPARTMENT



564635

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3

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21

22 PRESENT:

23 YOEL WEISSHAUS

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STIPULATIONS

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IT IS HEREBY STIPULATED AND AGREED by  
and between counsel for the respective  
parties hereto, that all objections, except  
as to form, are reserved to the time of  
trial.

9

10 IT IS FURTHER STIPULATED AND AGREED  
11 that the deposition may be signed and sworn  
12 to before any officer authorized to  
administer an oath.

13

14 IT IS FURTHER STIPULATED AND AGREED  
15 that the sealing and filing of the  
deposition be waived.

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25

1 | Johnson

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2 hard copy and a mini.

3 | (Off the record)

4 SERGEANT THOMAS JOHNSON,

8 DeGiorgio, a Notary Public within and  
9 for the State of New York, was examined  
10 and testified as follows:

## 11 EXAMINATION

12 BY MR. HUEBNER:

13 Q. What is your full name for the  
14 record?

15 A. Thomas Johnson.

16 Q. What is your work address?

19 Q. Good morning.

20 A. Good morning.

21 Q. My name is Levi Huebner. I'm  
22 counsel for the plaintiff in this case, Mr.  
23 Yoel Weiss haus. I'm going to be asking you  
24 some questions. Please be reminded that  
25 the answers must be verbal, not physical

Johnson

9

with a nod of the head or the hand because the court reporter cannot take down a nod or nonverbal response. Do you understand?

A. Yeah, I know. I've been to court before.

Q. Have you ever been deposed before?

A. Yes.

Q. Thank you for letting me know that. So how long have you been with the Port Authority?

A., 29 years.

Q. And your status now is a  
sergeant?

A. Yes.

Q. And I understand you are leaving  
the Port Authority soon; correct?

A      Correct

Q. And why is that?

A. Because I'm going to retire.

Q Okay Is there any particul

reason that you are going to retire?

A. NO.

Q. And now I'd like to know so

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Johnson

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down and look at something.

3

A. Yeah, I looked at the summons.

4

Q. Before you look at something, answer the question and if you don't recall then say I don't recall and you have to look at something so you get permission.

5

A. Okay.

6

Q. Do you remember the location where you pulled over Mr. Weiss haus?

7

A. On 440 southbound in Bayonne.

8

Q. On 440 southbound in Bayonne, how -- what's the range -- what's the distance of 440 southbound, when does it begin and when does it end?

9

A. 440 runs the entire length of Bayonne.

10

Q. And so where -- which direction was Mr. Weiss haus traveling on that day?

11

A. Southbound.

12

Q. So he was coming from a northerly direction?

13

A. Yes.

14

Q. And so at the northern-most point the 440, where does 440 start?

Johnson 32

## A. In Jersey City.

Q. And where does the 440 end?

4           A.       At the Bayonne Bridge and then it  
5           goes over into New York.

6 Q. When you say "at the Bayonne  
7 Bridge," the 440 ends at the Bayonne Bridge  
8 or the Port Authority's jurisdiction ends  
9 at the Bayonne Bridge?

A. Port Authority has jurisdiction  
in two states on every roadway.

Q. So where does -- does the Port Authority have the jurisdiction at the beginning of 440?

15                   A.        We have jurisdiction in New York  
16                   and New Jersey on all of the roadways.  We  
17                   are police officers in the two states.

18 Q. You are a police officer in two  
19 states?

20 A. Yes.

Q. What two states are those?

22 A. New York and New Jersey.

23 Q. And so from the beginning of the  
24 440 it begins at what, you say where, in  
25 Jersey City?

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Johnson

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A. Uh-huh.

3

Q. And it ends in New York?

4

5

A. It goes over into New York, yes,  
because part of the West Shore Highway is  
considered 440 as well.

6

7

8

9

Q. From the beginning of Jersey City

10

until the end of the 440, do you know what  
location on the 440 you pulled over Mr.

Weisshaus?

11

12

A. Yes. Just before the Bayonne  
Bridge.

13

14

15

Q. And when you say "just before the  
Bayonne Bridge," do you know how many feet  
before the Bayonne Bridge that was?

16

A. No.

17

18

Q. Do you know how many miles before  
the Bayonne Bridge that was?

19

A. No.

20

Q. It could have been a mile?

21

22

A. No. It was much less than a  
mile.

23

24

Q. When you say "much less than a  
mile," how much less than a mile was it?

25

A. It could be anywhere from, I

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Johnson

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don't know, a hundred yards to 500 yards depending on where he stopped. I made a lot of traffic stops in that area during that time.

3

4

Q. You made a lot of traffic stops in that area?

5

A. Yes.

6

Q. On that same day?

7

A. On that day and many days before and after.

8

Q. Let's talk about that day, January 16th, 2019.

9

A. Uh-huh.

10

Q. Do you remember what day of the week that was?

11

A. No.

12

Q. And when you say you made many other stops, what day --

13

MR. HUEBNER: Strike that.

14

Q. When you say you made many other stops, what was the purpose of the stops?

15

A. Motor vehicle violations.

16

Q. Do you know how many motor vehicle violation stops you made on January

1

Johnson

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A. From there to the bridge it was.

3

Q. And was there a sign posted that makes it a construction zone?

4

A. There's multiple signs.

5

Q. And where were those signs located?

6

A. All along the 440 as well as a sign board.

7

Q. Where was the sign board located?

8

A. At the beginning of the construction zone right near 5th Avenue.

9

Q. Did you pull over --

10

MR. HUEBNER: Strike that.

11

Q. When you pulled over Mr. Weiss Haus' vehicle, where was it that you pulled over his vehicle?

12

A. Just before the Bayonne Bridge.

13

Q. Before you pulled him over, how far away was his vehicle from your vehicle?

14

A. I don't recall.

15

Q. More than 10 feet?

16

A. I'm sure it was more than 10 feet.

17

Q. Okay.

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Johnson

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A. 10 feet he's literally one car  
behind me.

4

Q. 20 feet?

5

A. I couldn't give you an exact  
answer.

7

Q. 30 feet?

8

9

10

11

A. Like I just said, I can't give  
you an exact answer. I don't recall how  
far back he was when he was hit by the  
radar.

12

13

14

Q. I didn't ask you when he was hit  
by the radar. I asked you after he was hit  
by the radar when did you see his vehicle?

15

16

17

18

19

A. As soon as the radar hit I'm  
looking at the traffic and that's the car  
I'm looking at. The radar is only going to  
pick up the car that the radar is hitting.  
That's the only car in the lane.

20

21

22

Q. What was the time when the radar  
hit until when you pulled over Mr.  
Weisshaus?

23

A. Probably 10 to 15 seconds.

24

Q. How did you pull him over?

25

A. I pulled out, activated my

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Johnson

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lights, I got behind him and I pulled him  
over into the closed lane.

4

Q. He passed you and then you pulled  
behind him?

6

A. Yes.

7

Q. And before his vehicle stopped,  
how far was that from the location where  
you pulled him over?

10

11

A. Probably about 50 to a hundred  
yards.

12

Q. 50 to a hundred yards?

13

A. Yes.

14

15

Q. Did you pull him over before the  
Bayonne Bridge or did you pull him over on  
the Bayonne Bridge?

17

18

A. Like I said a couple times  
already, right before the Bayonne Bridge in  
the closed lane.

20

21

Q. You pulled him over, is that what  
you are testifying?

22

A. I don't understand the question.

23

24

Q. You said you pulled him over  
right before the Bayonne Bridge?

25

A. Yes. I said that three times.

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Johnson

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Q. And that's where he stopped his  
vehicle?

4

A. Yes.

5

Q. And you were right behind him?

6

A. Yes.

7

Q. And before the Bayonne Bridge, is  
there a cross street?

9

A. No.

10

Q. That was one lane at that time?

11

A. Yes.

12

Q. When you pulled him over was your  
vehicle and his vehicle blocking the one  
lane?

15

A. No. I pulled him into the closed  
lane like I said.

17

Q. Okay.

18

A. For his safety and my safety we  
don't block up a lane.

20

Q. Where was the closed lane  
located, on the right or on the left?

22

A. On the right like I said before.

23

Q. It was on the right. Were there  
cones on the right?

25

A. There were cones blocking off the

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Johnson

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right lane.

3

Q. How --

4

A. In that shoulder.

5

Q. How did his vehicle get --

6

A. Because they were open enough so  
I could get my vehicle --

7

Q. Please let me finish my question.

8

A. Of course.

9

Q. When you pulled over his vehicle  
and there were cones blocking the right  
lane, how could his vehicle get into the  
right lane?

10

A. Like I was just saying, he pulled  
in between the cones. The cones are  
staggered. It's not one gigantic wall of  
cones. He was able to get his car in  
between the cones just like I was able to  
pull out from the cones.

11

Q. When you pulled over Mr.  
Weisshaus, did you have a conversation with  
him?

12

A. The only thing I do for every  
motor vehicle stop I announce who I am, I  
asked for his license, registration and

13

14

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Johnson

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insurance.

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Q. And did you ask him any  
questions?

5

A. I don't recall.

6

Q. And did Mr. Weisshaus say  
anything to you?

8

A. He said several things. I don't  
remember anything he said, but all I know  
is the one note that I had on the back of  
my summons when I reviewed it.

12

Q. I didn't ask you anything about a  
note. Did he say anything?

14

A. The only thing written on my  
notes was that he was rude.

16

Q. So you don't remember him saying  
anything?

18

A. I don't remember anything about  
the stop.

20

Q. You don't remember anything about  
the stop?

22

A. Just like said, I'm going on what  
I do for many, many motor vehicle stops out  
there.

25

Q. Do you remember what Mr.

1

Johnson

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Weisshaus looked like at the time that you  
pulled him over?

4

A. Nope.

5

Q. Do you remember what he was  
wearing?

7

A. No.

8

Q. Do you remember his race or  
ethnicity?

10

A. Nope.

11

Q. Do you remember if he was a male  
or female?

13

A. He was a male.

14

Q. In appearance?

15

A. He was a male.

16

Q. How do you know that he was a  
male?

18

A. Well, he looked like a male, it  
says male on his driver's license.

20

Q. What was it about him that he  
looked like a male?

22

A. Sir, he looked like a male. I  
just told you I don't remember what he  
looked like. He was a male.

25

Q. So you really don't remember if

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Johnson

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he looked like a male or not, you are just  
going by what the driver's license said?

4

A. I'm going by what my summons  
said. If he looks like a male and it says  
male on his driver's license I put male.

7

Q. But you don't remember what he  
looked like?

9

10

A. No. I just told you that. I  
don't remember what he looked like.

11

12

Q. You don't remember how many  
tickets you wrote that day, do you?

13

A. No.

14

15

Q. Do you know if you wrote more  
than one ticket?

16

A. I don't know.

17

18

Q. So you might -- Mr. Weiss haus  
might have been the only ticket you wrote  
that day?

20

A. It's possible.

21

22

Q. Do you have a record of tickets  
that you wrote that day?

23

24

A. I'm sure there's one somewhere in  
the building. I could look at my own  
summons now to see if I wrote any more in

1

Johnson

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Bayonne. I write them for many  
municipalities and New York as well.

4

Q. Does your car have a video on it?

5

A. No.

6

7

Q. At that point in time on January  
16th, 2019, did your vehicle have a video  
on it?

8

A. No.

9

Q. Did you have a body cam?

10

A. No.

11

Q. Do you have a body cam?

12

A. No.

13

14

Q. How about any voice recording  
equipment?

15

A. No.

16

17

Q. Besides yourself, was anybody  
else with you that day?

18

A. No.

19

20

21

22

23

24

Q. In order for a motorist to be  
advised of a construction zone, is there a  
particular manner in which the law requires  
that the pedestrians are advised of a  
construction zone?

25

A. By signage.

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Johnson

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Q. If there's no signage then they  
wouldn't be advised of a construction zone,  
would they?

5

6

A. Unless you are listening to Waze  
or Google Maps or something.

7

Q. If a road had no signage of a  
construction zone, would you be allowed to  
pull over a motorist going over the limit  
in a construction zone?

10

11

A. I have no idea what you are  
talking about. I think you are confused.

12

13

14

15

16

Q. If a motorist is driving on the  
440 and the 440 says construction zone,  
does a different speed limit apply at that  
point in time for the regular speed limit?

17

A. Yes.

18

19

Q. What is the regular speed limit  
on the 440?

20

A. 45.

21

22

Q. And if there's signs of a  
construction zone, what is the speed limit?

23

24

A. It varies on the construction  
zone. That one was 25.

25

Q. When you say "that one," can you